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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,767	02/18/2004	Jung-wan Ko	1293.1071DDC	1606
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STEIN MCEWEN, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005				
EXAMINER				
CHU, KIM KWOK				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
05/13/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/779,767

Applicant(s)

KO ET AL.

Examiner

Kim-Kwok CHU

Art Unit

2627

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: 17 and 19
Claim(s) rejected: 1-5, 7-16 and 20
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

/HOA T NGUYEN/
Supervisory Patent Examiner, Art Unit 2627

Continuation of 3. NOTE:

In Claim 13, the amended feature "in a single recording operation" requires further consideration and search. Although this amended feature is intended to replace the deleted phrase "at the same time", their meanings are not identical. For example, a single recording operation can be a plurality of recording actions not at the same time. Furthermore, Applicant does not mention whether or not this amendment is supported by the specification.

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding Claims 1 and 13, Applicant states that the prior art (U.S. Patent 6,288,989) of Ro's password does not prevent overwriting without reference to the title of the program and the position data (page 8 of the Remarks, lines 1 and 2). Accordingly, Applicant only claims the "write protection information" is for prohibiting writing of data on the recording medium (Claim 1, lines 6 and 7), and there is no additional limitation such as "prohibiting writing of data without reference to the title of the program and position data" or similar feature to restrict the claimed "write protection information" does not require any position data on the recording medium. In other words, Applicant's argument exceeds the boundary of his claim limitations.

Regarding to Claims 8 and 9, Applicant states that the prior art (U.S. Patent 5,644,444) of Braithwaite et al. does not teach a finalization of the Lead-in and Lead-out area (page 8 of the Remarks, last paragraph). Accordingly, when the prior art of Braithwaite sets a protection flag on his recording disk (Fig. 4), one of the Lead-in 66 and Lead-out area 64 area (special information tracks; column 4, lines 61 and 62) is updated/finalized so that it cannot be read/write (Fig. 6A; steps 104 and 110).

Applicant also argues that the prior art of Braithwaite's updating operation on the special information tracks is not a finalization process because the special information (protection flag) can be changed (page 9, lines 3-6). Accordingly, Applicant's write protection state information is selectable (Claim 8, lines 7 and 8). In other words, in Claim 8, Applicant does not claim that "after the finalization, the Lead-in and Lead-out areas cannot be changed".

Examiner: /Kim-Kwok CHU/

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